REMARKS

Thorough examination of the application is sincerely appreciated. Applicant thanks the Examiner for the detailed action and helpful remarks to advance the prosecution of the application.

In response to the claim objections, it is respectfully submitted that Applicant's claims have been amended as follows to correct the minor informalities as noted in the Office Action:

Claim 13: "Signal" is changed to "frame."

Claim 19: The abbreviation for CCHC is provided in the claim. With respect to "said predetermined time interval", it is respectfully submitted that no change is required, as there is no ambiguity as alleged in the Office Action. According to the disclosure of the present invention, a system local area network station allocates a predetermined time interval regardless of whether it is for a first station or a second station. See page 13, line 13 – page 14, line 3 of the instant specification.

Claim 20-23, 25 and 26: The "system" is amended to read "system local area network station."

Claim 25: The awkward phraseology is amended to clarify the feature.

Claim 27: The "method" is amended to read "system local area network station."

Further according to the Office Action, claims 19-22 and 25-27 are rejected under 35 USC 102(e) as being anticipated by U.S. Patent 7,031,274 (Sherman). Further according to the Office Action, claims 1-9 and 11-18 are allowable over the prior art, and claim 23 contain allowable subject matter.

In response, it is respectfully submitted that in the previous Office Action of October 14, 2005, it was indicated that, among other things, claim 24 contained allowable subject matter. To conclude the prosecution of the application in order to expedite issuance of the patent and

without conceding any statements or waiving any arguments in the Office Action, Applicant amended independent claim 19 to include the allowable subject matter of claim 24. Without any explanation, claim 19 and its dependent claims were rejected in the currently outstanding Office Action. The examiner is referred to section 706.04 of the MPEP:

> **706.04 Rejection of Previously Allowed Claims [R-1]**
>
> A claim noted as allowable shall thereafter be rejected only after the proposed rejection has been submitted to the primary examiner for consideration of all the facts and approval of the proposed action. Great care should be exercised in authorizing such a rejection. See *Ex parte Grier*, 1923 C.D. 27, 309 O.G. 223 (Comm'r Pat. 1923); *Ex parte Hay*, 1909 C.D. 18, 139 O.G. 197 (Comm'r Pat. 1909).

The examiner previously cited the Sherman reference on the form PTO-892 accompanying the Office Action of October 14, 2005. Hence, the Sherman reference was cited and considered by the examiner during the preparation of the October 14th Office Action. It is not clear as to why claim 24 was indicated to contain allowable subject matter when the examiner previously considered the Sherman reference and yet rejected over the very same Sherman reference in the currently outstanding Office Action. A detailed explanation is respectfully requested.

The above rejections over the Sherman reference are respectfully traversed as lacking sufficient factual support. In particular, on page 3 of the Office Action, the examiner alleges, among other things, as follows:

"A CCHC circuit configured to allocate a predetermined time interval for each of the first and second stations to initiate data transmission onto the wireless channel" is anticipated by the hybrid AP (CCHC circuit) spoken of on column 3, lines 3-14, that supports both 802.11 (first stations) and H/2 standards (second stations), and also allocates 802.11 and H/2 phases (time intervals) within the superframe shown in Figure 5.

It is respectfully submitted that the examiner is factually wrong. Sherman does not show or teach Applicant's CCHC circuit, as recited in claim 19. Consequently, there is no description of Applicant's predetermined time interval, as recited in claim 19. Sherman discloses the following at col. 3, lines 3-14 referred to by the examiner:

> "WLANs are accessed through stations that operate as the access ports (AP) 112, 114 and 116. AP's provide communications with services and stations outside the immediate set of wireless stations with which it communicates. The service "behind" the AP is termed the Distribution Service (DS) in 802.11. Stations in systems using either or both 802.11 and HIPERLAN/2 protocols should accommodate both. Due to the wireless nature of the WLAN, ordinary stations need not support both systems although such abilities would be desirable since it is most likely that common frequencies will be shared. It is clearly desirable that the APs support both standards (i.e., with a hybrid AP (HAP))."

Using conclusory remarks without any specificity, the examiner broadly and impermissibly refers to a portion of the patent as allegedly describing Applicant's feature. Applicant's representative reviewed the entire cited portion of the patent and fails to find such a disclosure, contrary to the examiner's remarks. Should the examiner maintain his rejection, he is respectfully requested to **specifically** point out those portions of the Sherman's patent allegedly disclosing the above feature of Applicant's invention.

Still continuing with page 3 of the Office Action, the examiner refers to "802.11 and H/2

phases" as allegedly corresponding to Applicant's time intervals. The examiner is requested to review the following portion of the Sherman patent (col. 4, lines 13-17):

> "For the method of FIG. 5, three phases exist. A phase here means a collection of frames primarily controlled by a common coordination or access function. The first phase would consist of the CFP_Beacon, 802.11 Broadcast, and 802.11 CFP. The sum time occupied by this phase is an integral number times 2 msec, and that number is specified as 1 for this illustrative example."

Clearly, any analogy between Sherman's phase and Applicant's predetermined time interval is factually wrong. If the examiner disagrees, he is respectfully requested to elaborate on his assertion. If the examiner uses his personal knowledge in view of the Sherman's disclosure, the examiner is respectfully requested to provide an affidavit of how his personal knowledge supplements Sherman. Otherwise, the rejection cannot be sustained factually.

Pursuant to MPEP, Section 2131, to anticipate a claim, the reference must teach every element of the claim. As discussed above, Sherman is woefully deficient in teaching each and every element of Applicants' claim 19. It is, therefore, respectfully submitted that independent claim 19 is not anticipated by Sherman. Withdrawal of the rejection is respectfully requested, as it cannot be sustained legally.

Claims 20-22 and 25-27 depend, either directly or indirectly, from the independent claim 19 and thus incorporate novel and non-obvious features thereof, in addition to further limitations. Therefore, dependent claims 20-22 and 25-27 are patentably distinguishable over the prior art for at least the same reasons as independent claims. Withdrawal of the rejections is respectfully requested.

In view of the above, it is respectfully submitted that Sherman does not anticipate or render obvious the present invention because it fails to teach or suggest all of the features of the present invention, as discussed hereinabove.

An earnest effort has been made to be fully responsive to the Examiner's correspondence

and advance the prosecution of this case. If there are any questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

By 

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